

**ATTACHMENT A**  
**STANDARD PROVISIONS**

1. The discharger shall comply with all provisions and requirements of this Order.
2. Should the discharger discover that it failed to submit any relevant facts or that it submitted incorrect information in a report, it shall promptly submit the missing or correct information.
3. This Order includes the Annual Reporting Requirements (Attachment B), and Storm Water Quality Urban Impact Mitigation Plan (SQUIMP) (Attachment C), which are a part of the permit and must be complied with in the same manner as with the rest of the requirements of this Order.
4. Public Review
  - a. All documents submitted to the Regional Board in compliance with the terms and conditions of this Order shall be made available to members of the public pursuant to the Freedom of Information Act (5 U.S.C. Section 552 (as amended) and the Public Records Act (California Government Code Section 6250 *et seq.*).
  - b. All documents submitted to the Executive Officer for approval shall be made available to the public for a 30-day period to allow for public comment.
5. Duty to Comply [40 CFR 122.41(a)]
  - a. The discharger must comply with all of the terms, requirement and conditions of this Order. Any violation of this Order constitutes a violation of the Clean Water Act, its regulations and the California Water Code, and is grounds for enforcement action, Order termination, Order revocation and reissuance, denial of an application for reissuance; or a combination thereof.
  - b. A copy of these waste discharge specifications shall be maintained by the discharger so as to be available during normal business hours to discharger employees and members of the public.
  - c. Any discharge of wastes at any point(s) other than specifically described in this Order is prohibited, and constitutes a violation of the Order.
6. Duty to Mitigate [40 CFR 122.41(d)]

The discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment.
7. Inspection and Entry [40 CFR 122.41(i)]

The Regional Board, USEPA and other authorized representative shall be allowed:

  - a. Entry upon premises where a regulated facility is located or conducted, or where records are kept under conditions of this Order
  - b. Access to copy any records that are kept under the conditions of this Order
  - c. To inspect any facility, equipment (including monitoring and control equipment), practices or operations regulated or required under this Order; and
  - d. To photograph, sample, and monitor for the purpose of assuring compliance with this Order, or as otherwise authorized by the Clean Water Act and the California Water Code
8. Proper Operation and Maintenance [40 CFR 122.41(e)]

The discharger shall at all times properly operate and maintain all facilities and systems of treatment and (and related appurtenances) that are installed or used by the discharger to achieve compliance with this Order. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar system that are installed by a discharger only when necessary to achieve compliance with the conditions of this Order.

9. Signatory Requirements [40 CFR 122.41(k)]  
Except as otherwise provided in this Order, all applications, reports or information submitted to the Regional Board shall be signed by the Director of Public Works, City Engineer or authorized designee under penalty of perjury.
10. Reopener and Modification [40 CFR 122.41(f)]
- a. This Order may only be modified, revoked or reissued prior to the expiration date by the Regional Board, in accordance with the procedural requirements of the Water Code and Title 23 of the California Code of Regulations for the issuance of waste discharge requirements, and upon prior notice and hearing to:
    - i. Address changed conditions identified in the required reports or other sources deemed significant by the Regional Board
    - ii. Incorporate applicable requirements or statewide water quality control plans adopted by the State Board or amendments to the Basin Plan
    - iii. Comply with any applicable requirements, guidelines and/or regulations issued or approved pursuant to CWA Section 402(p); and/or
    - iv. Consider any other federal, or state laws or regulations that became effective after adoption of this Order
  - b. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
    - i. Violation of any term or condition contained in this Order
    - ii. Obtaining this Order by misrepresentation, or failure to disclose all relevant facts; or
    - iii. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge
  - c. This Order may be modified, revoked and reissued or terminated for cause.
  - d. The filing of a request by the discharger for a modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order
  - e. This Order may be modified to make corrections or allowances for changes in the permitted activity listed in this section, following the procedures at 40 CFR Part 122.63, if processed as a minor modification. Minor modifications may only:
    - i. Correct typographical errors; or
    - ii. Require more frequent monitoring or reporting by the discharger
11. Severability  
The provisions of this Order are severable, and if any provision of this Order or the application of any provision of this Order to any circumstances is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected.
12. Duty to Provide Information [40 CFR 122.41(h)]  
The discharger shall furnish, within a reasonable time, any information the Regional Board or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
13. Twenty-four Hour Reporting
- a. The discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and step taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
  - b. The Regional Board may waive the required written report on a case-by-case basis.

## 14. Bypass [40 CFR 122.41(m)]

Bypass (the intentional diversion of waste streams from any portion of a treatment facility) is prohibited. The Regional Board may take enforcement action against the discharger for bypass unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage. (Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production).
- b. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that could occur during normal periods of equipment downtime or preventive maintenance.
- c. The discharger submitted a notice at least ten days in advance of the need for a bypass to the Regional Board; or
- d. The discharger may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable. The discharger shall submit notice of an unanticipated bypass as required.

## 15. Upset [40 CFR 122.41(n)]

- a. A discharger that wishes to establish the affirmative defense of an upset in an action brought for non-compliance shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and that the discharger can identify the cause(s) of the upset
  - ii. The permitted facility was being properly operated by the time of the upset
  - iii. The discharger submitted notice of the upset as required; and
  - iv. The discharger complied with any remedial measures required
- b. No determination made before an action of noncompliance, such as during administrative review of claims that noncompliance was caused by an upset, is final administrative action subject to judicial review.
- c. In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof

## 16. Property Rights [40 CFR 122.4(g)]

This Order does not convey any property rights of any sort, or any exclusive privilege.

## 17. Enforcement

- a. Violation of any of the provisions of the NPDES permit or any of the provisions of this Order may subject the violator to any of the penalties described herein, or any combination thereof, at the discretion of the prosecuting authority; except that only one kind of penalties may be applied for each kind of violation. The Clean Water Act provides the following:

Criminal Penalties

- i. *Negligent Violations*

The CWA provides that any person who negligently violates permit conditions implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

- ii. *Knowing Violations*

The CWA provides that any person who knowingly violated permit conditions implementing sections 301, 302, 306, 307, 308, 318 or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

iii. *False Statement*

The CWA provides that any person who knowingly makes any false material statement, representation or certification in any application,, record, report, plan or other document filed of required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more that \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both.

Civil Penalties

- i. The CWA provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318 or 405 of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.
  - b. The California Water Code provides that any person who violated a waste discharge requirement provision of the California Water Code is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation; or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day or \$25 per gallon per day of violation; or some combination thereof, depending on the violation or combination violations.
18. Need to Halt or Reduce Activity not a Defense [40 CFR 122.41(c)]  
It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.
19. This Order may be modified, revoked, or reissued, prior to the expiration date as follows:
- a. To address changed conditions identified in the required technical reports or other sources deemed significant by the Regional Board
  - b. To incorporate applicable requirements or statewide water quality control plans adopted by the State Board, or amendments to the Basin Plan
  - c. To comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA than applicable; or
  - d. Any amendments under the Clean Water Act
20. Regional Board No. 00-108 is hereby rescinded.
21. This Order expires on DATE. The discharger must submit a Report of Waste Discharge (ROWD) in accordance with Title 23, California Code of Regulation, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements.